III. REMARKS

1. FIG. 1 is proposed to be amended. Reference numeral "10" in FIG. 1 has been changed to "1" to be in accordance with the specification. "Prior Art" has been added. A complete set of replacement drawings is attached hereto.

2. The abstract is amended.

3. Claims 1, 9 and 12 are amended.

4. Claims 1, 5, 8, 9, 11 and 12 are not anticipated by Angelo et al. ("Angelo") (EP 848,316) under 35 U.S.C. §102(b).

Claims 1, 9 and 12 have been amended to overcome the rejections. The grounds for the amendment pertaining to the processing means providing an address for the downloading of the driver can be found in the specification, as originally filed, on page 9, lines 7-16. Since drivers are also data, the same data transfer means that are used for the receiving of data serve the purpose of downloading a driver. Claim 12 has been reformatted for the purposes of clarity.

Angelo fails to disclose or suggest the following combination of features "data transfer means <u>for downloading a driver</u>", "processing means for <u>providing an address for the downloading of said driver</u>", "control means for modifying one or more commands received into a format required by the processing means" and "one or more functions that control the operation of the processing means, which functions can only be initiated by said downloaded driver the origin of which has been verified with the help of the electronic signature".

Equivalent subject matter is also recited in claims 9 and 12.

Angelo discloses a computer system having a plurality of nodes, one of which is adapted as an administrator node. The administrator node securely receives code information from a code provider disposed external to the network system and also securely sends the code information to at least one of the nodes. Applicant's invention provides a system for securely updating the BIOS code images associated with processor nodes. Angelo fails to disclose that there are separate processing means that provide the address for the driver that it used to control them. Angelo also fails to disclose the separate downloading of drivers that are comprised in control means for the control of processing means.

Since Angelo does not disclose or suggest each feature of Applicant's invention as recited in any of claims 1, 9 and 12, the claims cannot be anticipated under 35 U.S.C. §102(b).

5.   Claims 6, 7 and 13-16 are not unpatentable over Angelo.

As noted above, Angelo does not disclose or suggest each feature of Applicant's invention as recited in claims 1 and 12. Claims 6, 7 and 13-16 should be allowable at least in view of their respective dependencies.

6.   Claims 2-4 and 10 are not unpatentable over Angelo and further in view of Fennell (U.S. Patent No. 5,418,524) under 35 U.S.C. §103(a).

Claims 2-4 depends from claim 1 and claim 10 depends from claim 9.   Claims 1 and 9 should be allowable for the above-stated reasons.   Thus, claims 2-4 and 10 should also be allowable at least in view of their respective dependencies.

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Furthermore, Angelo in view of Fennell does not disclose or suggest each feature of Applicant's invention.

Angelo and Fennell fail to disclose or suggest "data transfer means <u>for downloading a driver</u>", "processing means for <u>providing an address for the downloading of said driver</u>", "control means for modifying one or more commands received into a format required by the processing means" and "one or more functions that control the operation of the processing means, which functions can only be initiated by said downloaded driver the origin of which has been verified with the help of the electronic signature" as recited by Applicant in the claims.

Fennell discloses a radio modem having application software stored therein, which receives upgrade information via over-the-air selective call messaging. The upgrade information comprises upgrade installation information and upgrade data. A microprocessor compiles the upgrade installation information and operates to upgrade the application software in accordance with the upgrade installation information and in response to the upgrade data. Likewise, application software in a computer connected to the radio modem can be upgraded by over-the-air information to the radio modem. Fennell fails to disclose verifying the origin of drivers using digital signatures and the processing means providing the downloading address of the driver that is used to control the processing means.

Angelo and Fennell fail to disclose or suggest that the processing means provide the address for the downloading of the driver that is used to control them. This feature has significance due to the fact that the user is relieved of the burden of finding the driver and configuring it in a network element, which is, for example, a mobile terminal. An expert in
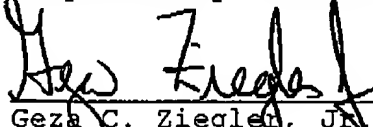
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the field would not know how to apply the teachings of Angelo or Fennell to arrive at an invention such as recited in claims 1 and 9 of Applicant's invention.

Therefore, claims 1 and 9, and accordingly claims 2-4 and 10 are not unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted by facsimile to (703) 872-9306 on the date indicated below.

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